

M. 325,451
S. 336,117

MAY 27 1963

Four South Floridians Also Charged

U.S. Indicts Haitian Consul in Arms Export

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The Haitian consul in Miami was indicted by a U.S. Grand Jury Wednesday with four other men on charges of sneaking two unarmed, surplus military planes from Miami to Haiti.

Consul Rudolph Baboun's indictment was announced by the Justice Department in Washington. The other four — an aircraft broker and three pilots — are all South Florida residents.

U.S. Attorney General Nicholas Katzenbach said Baboun — as consul in Miami — does not possess general diplomatic immunity that is accorded ambassadors.

Charged along with Baboun are Robert Dorsay, an aircraft broker at Miami International Airport; and pilots Robert E. Spinning, 41, a Hollywood motel resident; Robert Vincent Smith, 42, of 7400 SW 139th Ter.; and Randall Lee (Tex) Etheridge, 43, of West Palm Beach.

Baboun, accompanied by his attorney, Edward Wharton, appeared before the U.S. commission late Wednesday afternoon to post bond and surrender to a U.S. marshal.

Baboun, freed minutes later under a \$5,000 bond, was the only one of the five defendants to give himself up immediately. Deputy marshals, armed with warrants, are expected to arrest the other accused men today or Friday.

The five are charged with exporting arms and ammu-

nitions for war to Haiti without an export license from the U.S. State Department.

Six months ago, the airplane smuggling case was believed dead because of stories circulating that an ex-CIA agent was involved.

The report then said the CIA squelched the case because it would require the ex-agent — an armaments expert to testify and reveal CIA methods.

The planes involved are T28s, single-engine, piston-powered training aircraft which are capable of being armed. The government contends that the two were flown to Haiti out of Opa-locka Airport during the early morning hours at a low altitude to avoid radar detection.

Specifically, Spinning is accused of leaving Opa-locka in one aircraft on Sept. 5, 1963. Smith allegedly took off eight days later. The U.S. charges that Spinning, Smith and Etheridge used fictitious names and documents to re-enter the U.S. after the illegal flights.

A third aircraft was seized by federal agents at Opa-locka just before it was to take off.

The government said Baboun was to pay Dorsay, the broker, \$10,000 each for the planes delivered in Haiti.

Dorsay purchased two of the T28s on Sept. 1, 1963, from a Robert Hill in Naples. On Sept. 9 Dorsay bought the third aircraft from Marion Armstrong for \$4,800, the U.S. said.

The plane transactions allegedly followed a U.S. government rejection of a request by the Francois Duvalier regime to import 20 of the planes.

The planes reportedly were to be used by the Duvalier regime against guerrilla foes in the Haitian mountains.

After the indictments were announced, Baboun's office in the Congress Building told The Herald, "He is out."

In returning the indictments, the grand jury charged all five with conspiracy to send planes illegally to Haiti. In another count, all but Smith were charged with actual delivery of one plane. In a third count, all but Spinning were charged with delivery of a second plane.